

## **REMARKS**

These remarks and the accompanying amendments are responsive to the Office Action dated December 16, 2004 (hereinafter referred to as "the Office Action"), having a statutorily shortened period for response that expires on March 16, 2005. Claims 1-30 are pending, of which, Claims 1, 13, 28, 29 and 30 are independent. By this amendment, Claims 1-10, 13-22 and 28 are currently amended.

Two of the five independent claims, Claims 29 and 30, were indicated to be allowed in the Office Action. Claims 29 and 30 are not amended herein and should thereby continue to be allowed.

The Office Action rejected the other three independent Claims 1, 13 and 28 under 35 U.S.C. 102(e) as being anticipated by European patent application EP 0 903 951 (hereinafter referred to as "Masahiro" after the named inventor). As an initial matter, it does not appear that Masahiro is a valid reference under 35 U.S.C. 102(e) since it is not a patent or publication resulting from a patent application filed in the United States, and is not an international patent application designating the United States. For this reason alone, the rejection should be withdrawn. Nevertheless, for the purposes of advancing prosecution, the undersigned assumes that the Examiner intended to reject Claims 1, 13 and 28 under 35 U.S.C. 102(b) using Masahiro.

As recited in each of the independent Claims 1, 13 and 28, a measuring step or means measures "a first receiving quality of each of a plurality of currently captured perch channels". An example of the first receiving quality is received power. In addition, an obtaining step or means obtains "a second receiving quality from the measured first receiving qualities". An example of the second receiving quality is the highest received power. Furthermore, a control

step or means determines "a degree of how frequent searches for new perch channels are conducted in response to the [obtained] second receiving quality".

In contrast, Masahiro discloses a mobile radio apparatus that calculates with respect to a signal, the level of a short-time averaged received signal and the level of a long-time averaged received signal. In this context, Masahiro indicates that the mobile radio apparatus counts the number of times that the level of the short-time averaged received signal crosses upwardly (i.e., overtakes) the level of the long-time averaged received signal over a certain period of time. The mobile radio apparatus calculates the moving speed, and controls the frequency of searching processing based on the moving speed information (see e.g., paragraph 0014 of Masahiro).

Therefore, Masahiro does not disclose a recited feature of independent Claims 1, 13 and 28 that a first receiving quality of each of a plurality of currently captured perch channels is measured. Masahiro also does not disclose that a second receiving quality is obtained from the measured first receiving qualities as recited in each of independent Claims 1, 13 and 28. Furthermore, Masahiro does not teach that a degree of how frequent searches for new perch channels are conducted is determined in response to the obtained second receiving quality as also received in each of independent Claims 1, 13 and 28.

Therefore, independent Claims 1, 13 and 28 (as amended) are not anticipated by Masahiro. Accordingly, favorable action is respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 15<sup>th</sup> day of March, 2005.

Respectfully submitted,



Adrian J. Lee  
Registration No. 42,785  
Attorney for Applicant  
Customer No. 022913

AJL:ds  
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